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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,544	07/16/2003	Yoav Reisman	072332-0110	5945
22428	7590	11/17/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			PHAM, TOAN NGOC	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/619,544	Applicant(s) REISMAN ET AL.	
	Examiner Toan N Pham	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/16/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohr (US 6,127,931).

Regarding claim 1: Mohr discloses monitoring system comprising a receiver (30) for receiving and processing the transmitted signals into readable data; a microcontroller (34) for determining the distance between the at least one transmitting tags and the receiving unit; and an electronic circuitry for calculating the received strength signal indication (col. 5, line 24-col. 6, line 16). Mohr does not disclose an attenuating unit for attenuating the transmitted signal; however, it is well known in the art of wireless monitoring systems that the signal is being attenuated, modulated or filtered to produce a more enhanced signal that is less susceptible to interference.

Regarding claim 2: Mohr discloses the system includes the transmitter and receiver (14, 38); thus, obviously includes the antenna for transmitting and receiving the signal.

Regarding claim 5: See the limitation of claim 1 above.

Regarding claim 6: Mohr discloses the calculation of the distance with respect to the signal strength (col. 5, line 24-col. 6, line 16).

Regarding claim 8: Mohr discloses the pre-calculated threshold level based on the receiver parameters (col. 4, lines 44-54; col. 5, lines 45-52).

Regarding claim 9: Mohr does not disclose a lookup table; however, it is well known that a preprogrammed lookup table or parameters are used to set certain thresholds or limits.

Regarding claims 10-12: Mohr discloses the transmitting tag (14) is being worn by a person (col. 4, lines 1-2); however, it is merely a matter of preference to attach the tag or the transmitter to other objects or animal to be monitored.

Claims 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohr (US 6,127,931) in view of Sallen et al. (US 5,589,821).

Regarding claim 3: Mohr does not disclose the analog-to-digital converter for converting the transmitted signals into digital signals. Sallen et al. discloses a distance determination system includes the analog-to-digital (A/D) converter for converting the transmitted signal to digital signal (col. 5, lines 1-24). At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide a signal that is easily processed by the processor.

Regarding claims 4 and 7: Mohr discloses the transmitted signal is wireless; however, Mohr does not disclose that the signal is a radio frequency. Sallen et al. discloses the transmitted signals are radio frequency signals (col. 5, lines 1-10). At the time of the invention, it would have been obvious to one of ordinary skill in the art to

utilize radio frequency signal that is well know and used in the art of wireless communication.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Campman (US 6,756,901), De La Hueraga (US 6,255,951) and Stewart et al. (US 6,392,547) are cited to show a variety of monitoring systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 5, 2004

TOAN N. PHAM
PRIMARY EXAMINER

